

AMENDMENT

U.S. Appln. No. 10/781,841

REMARKS

On page 2 of the Office Action, the Examiner indicates that the Information Disclosure Statement filed February 20, 2004, fails to comply with the provisions of 37 C.F.R. 1.97, 1.98 and MPEP § 609 because the authors are missing from the cited articles. The Examiner indicates that the Information Disclosure Statement has been placed in the file, but the information referred to therein has not been considered.

Accordingly Applicants submit herewith a revised Form PTO/SB/08 A & B (modified) listing the authors, and request that the Examiner acknowledge consideration of said references in the next official action.

On page 3 of the Office Action, the Examiner rejects Claims 30-33 under 35 U.S.C. § 101 and under 35 U.S.C. § 112, first paragraph, as lacking a substantial or well-established utility.

For the following reasons, Applicants respectfully traverse the Examiner's rejections.

In order to demonstrate the utility disclosed in the present specification, i.e., that NPR1 protein selectively enhances survival of neurons and also develops and extends the length of neuritis, Applicants submit herewith the executed Declaration of co-inventor Masato Horie. The results clearly demonstrate that NPR1 protein has nerve growth activity, as described in the present specification.

Accordingly, Applicants respectfully submit that the subject matter of the claims meets the utility and enablement requirements, and thus request withdrawal of the Examiner's rejections.

AMENDMENT

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On page 7 of the Office Action, the Examiner rejects Claims 30 under 35 U.S.C. § 102(a) as being anticipated by Watanabe et al.

Specifically, the Examiner states that Watanabe et al teaches cDNA encoding NELL1.

For the following reasons, Applicants respectfully traverse the Examiner's rejection.

Watanabe et al was published on December 15, 1996, which is after Applicants' March 19, 1996, Japanese priority date.

In order to overcome the Examiner's rejection, submitted herewith is a Translation into English of the priority Japanese Patent Application 63410/1996, thereby removing Watanabe et al as prior art.

Accordingly, Applicants respectfully submit that Watanabe et al is not prior art, and thus request withdrawal of the Examiner's rejection.

On page 8 of the Office Action, the Examiner issues a provisional obviousness-type double-patenting rejection of Claim 30 as being unpatentable over Claim 29 of co-pending application Serial No. 10/342,276.

Applicants have cancelled Claim 29 from co-pending application Serial No. 10/342,276, thereby rendering moot this provisional rejection.

In view of the arguments set forth above, reexamination, reconsideration and allowance are respectfully requested.

AMENDMENT

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The Examiner is invited to contact the undersigned at the below listed number on any questions which might arise.

Respectfully submitted,

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